

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MARILYN A. CHUBB,

Plaintiff,

v.

Case Number 10-12731-BC
Honorable Thomas L. Ludington

MICHAEL H. LAMBLE, THEODORE O.
JOHNSON, WILLIAM A. PFEIFER,
RONALD BAYOT,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION OF MAGISTRATE
JUDGE, OVERRULING PLAINTIFF'S OBJECTIONS, DENYING AS MOOT
PLAINTIFF'S REQUEST FOR APPOINTMENT OF COUNSEL, AND DISMISSING
AMENDED COMPLAINT WITH PREJUDICE**

On February 13, 2008, Plaintiff Marilyn Chubb filed a complaint alleging claims under 42 U.S.C. § 1983, arising out of a traffic stop and arrest in December 2009. Plaintiff is proceeding pro se and in forma pauperis. Now before the Court is a report and recommendation [Dkt. # 6] issued by Magistrate Judge Charles E. Binder on August 24, 2010. Judge Binder recommends dismissing Plaintiff's complaint for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B). More specifically, Judge Binder recommends dismissing Plaintiff's claims against Alpena County District Court Judge Theodore O. Johnson on the basis of judicial immunity; and against Defendants Michael H. Lambie, William A. Pfeifer, and Ronald Bayot because Plaintiff did not allege any conduct by them, nor any conduct by them that could be connected to a violation of Plaintiff's civil rights.

At about the same time that Judge Binder issued the report and recommendation, Plaintiff filed an amended complaint. *See* [Dkt. # 7]. The amended complaint does not undermine Judge

Binder's conclusions. Also, on or about September 10, 2010, Plaintiff filed a document that may be construed as objections to the report and recommendation. *See* [Dkt. # 8]. However, none of the objections address Judge Binder's conclusions. Thus, Plaintiff's objections will be overruled and the report and recommendation will be adopted.

Accordingly, it is **ORDERED** that the report and recommendation [Dkt. # 6] is **ADOPTED**.

It is further **ORDERED** that Plaintiff's objections [Dkt. # 8] are **OVERRULED**.

It is further **ORDERED** that Plaintiff's request for appointment of counsel [Dkt. # 3] is **DENIED AS MOOT**.

It is further **ORDERED** that the amended complaint [Dkt. # 7] is **DISMISSED WITH PREJUDICE**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: September 14, 2010

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 14, 2010.

s/Tracy A. Jacobs
TRACY A. JACOBS